

C-1N

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAY 23 AM 10:17
08 MJ 1675

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. Flavia MARQUEZ-Marquez,
2. Juan Carlos LOZA-Sotelo

Defendant(s)

Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **May 27, 2008**, within the Southern District of California, defendant **Flavia MARQUEZ-Marquez and Juan Carlos LOZA-Sotelo** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Pablo ROMERO-Gonzalez, Ofelio UROSIO-Navarette, and Jacob GONZALEZ-Romero** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

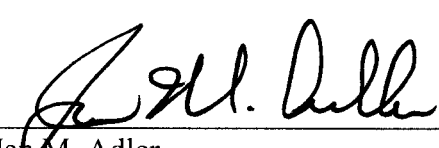
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF MAY, 2008



Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

1. Flavia MARQUEZ-Marquez
2. Juan Carlos LOZA-Sotelo

cTN

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Pablo ROMERO-Gonzalez**, **Ofelio UROSIO-Navarette**, and **Jacob GONZALEZ-Romero** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On Tuesday May 27, 2008 at approximately 9:45 a.m., Border Patrol Agents were working in the Murrieta Border Patrol Station area of operation in unmarked Agency vehicles and in a plain clothes capacity. Senior Patrol Agent P. Castillo was in full uniform and in a marked United States Border Patrol sedan. Supervisory Border Patrol Agent A. Velez was parked at the intersection of Old Highway 395 and Interstate 15. Agent Velez noticed a white Isuzu Rodeo pass his location northbound I-15. Agent Velez headed northbound in an attempt to catch up to the vehicle and radioed the vehicle description to units north of his location. Agent N. Mondragon was near the Highway 76 off ramp when he noticed the white Isuzu Rodeo pass his location.

Agent Mondragon followed the vehicle and ran records checks. As Agent Mondragon pulled alongside the vehicle, he noticed multiple subjects sitting really low in the back seat as if trying to conceal themselves. Agent Mondragon noticed that the driver appeared to be nervous, tightly holding the steering wheel and looking all around as if trying to find somebody. Agent Mondragon noticed that a white Ford F-250 appeared to be traveling with the white Isuzu Rodeo. Agent Mondragon noticed that when the Rodeo changed traffic lanes the F-250 would do the same. Agent Mondragon also noticed that the driver of the Rodeo constantly looked in her rear view mirror as if to make sure the F-250 was following behind. Agent Mondragon relayed his observations and his location to Agent Castillo who was waiting just south of the Mission Road exit. As the vehicles approached Agent Castillo's location, Agent Mondragon noticed both vehicles slow down considerably and change traffic lanes from the number three lane to the number two lane when they noticed Agent Castillo's marked sedan. Agent Castillo headed northbound to observe the vehicles. Agent Castillo noticed that when he pulled near the vehicles the driver of the Rodeo would decelerate and when Agent Castillo would slow down the driver of the Rodeo would accelerate. Agent Castillo noticed that both vehicles were traveling in very close proximity and would change lanes simultaneously. Agent Castillo attempted to merge in between the vehicles several times but the Ford F-250 would not allow him to. As the vehicles approached the Rainbow Valley Road exit the Rodeo made an abrupt lane change from the number two lane to the number four lane as if it was going to exit. The Ford F-250 continued on the number two lane. At that time Agent Castillo initiated a vehicle stop on the Rodeo and Agent J. Hays initiated a vehicle stop on the F-250.

Agent Castillo activated his emergency lights and siren and the Rodeo came to a stop on the shoulder of the I-15 Highway just south of the Rainbow Valley Road exit. Agent Castillo approached the vehicle on foot and identified himself to the occupants as a Border Patrol Agent and conducted an immigration inspection. Agent Castillo asked each of the individuals to state their citizenship and legal status for being in the United States. The driver, later identified as defendant #1 Flavia MARQUEZ-Marquez, stated that she was a citizen and national of Mexico. Defendant #1 then stated that she was illegally in the United States without immigration documentation to be in the United States. Defendant #1 then freely stated that she was asked to drive and that the main smuggler was ahead of her location in a black Dodge Ram. At this time Agent Castillo questioned the four other passengers and they all freely stated that they were citizens and nationals of Mexico in the United States illegally.

iF/

CONTINUATION OF COMPLAINT:**1. Flavia MARQUEZ-Marquez****2. Juan Carlos LOZA-Sotelo**

Agent Hays activated his emergency lights and siren and the Ford F-250 came to a stop on the median of the I-15 Highway near the Rainbow Valley Road exit. As Agent Hays approached the vehicle he noticed two people lying in the bed of the truck trying to cover them selves with a brown plastic tarp. Agent Hays then instructed the driver, then identified as defendant #2 Juan Carlos LOZA-Sotelo, to turn off the engine and exit the vehicle. Agent Hays questioned each individual in the truck and determined that all four subjects were in the United States illegally. All the subjects were transported to the Murrieta Border Patrol Station for processing.

DEFENDANT STATEMENT: Flavia MARQUEZ-Marquez

Flavia MARQUEZ-Marquez was advised of her Miranda rights. She said that she understood her rights and was willing to answer questions without a lawyer present. MARQUEZ stated that she was born in Los Mochis, Sinaloa, Mexico.

MARQUEZ stated that she did not know the smuggler whom her cousin had made the arrangements with. MARQUEZ stated that once in the United States a white colored pick-up truck arrived at her location and she and ten others got into the rear bed area of the pick-up and were taken to another unknown location. MARQUEZ stated that they walked once more until they came to another road and once again picked up by the truck. MARQUEZ stated that she recognized the same pick-up truck due to the lettering on the side. MARQUEZ states that she was taken to an unknown house. MARQUEZ stated that the following morning the smuggler asked who knew how to drive. MARQUEZ stated that she knew how to drive and therefore she was placed into the Isuzu Rodeo and asked to drive. MARQUEZ stated that she and four other subjects were placed into the Isuzu Rodeo and the other subjects were placed into different vehicles. MARQUEZ stated that she spoke to the unknown smuggler two times by cell phone. MARQUEZ stated that she was told to follow a black Dodge pick-up truck.

DEFENDANT STATEMENT: JUAN Carlos LOZA-Sotelo

Juan Carlos LOZA-Sotelo was advised of his Miranda rights. LOZA stated he understood his rights and was willing to answer questions without a lawyer present. LOZA is a citizen and national of Mexico, born in Leon, Guanajuato Mexico. LOZA stated that when he was arrested on today's date, he was following a dark green or black Dodge truck driven by an unknown female.

LOZA stated he paid \$1600.00 to cross the Border in Tecate with nine other people. LOZA stated a truck picked up the group and brought them to a house in San Diego. LOZA said he spent one night at the house in San Diego. LOZA stated he drove in lieu of payment.

CONTINUATION OF COMPLAINT:**1. Flavia MARQUEZ-Marquez****2. Juan Carlos LOZA-Sote****MATERIAL WITNESSES STATEMENTS:**

Material Witnesses **Pablo ROMERO-Gonzalez**, **Ofelio UROSIO-Navarette**, and **Jacob GONZALEZ-Romero** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they do not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Tijuana Baja California, Mexico to be smuggled into the United States. The three material witnesses stated that they were to pay from \$1,800.00 to \$2,000.00 U.S. dollars to be smuggled into the United States. They stated that they crossed the United States/Mexico border on foot near Tecate, California. They followed the guide until they arrived at a road where a vehicle picked them up. The vehicle that picked them up dropped them off at a residence where they stayed the night. The next day, three vehicles were used to further their entry into the United States.